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17 **UNITED STATES DISTRICT COURT**
18 **DISTRICT OF NEVADA**

19 JUDITH SMITH on behalf of herself and all
20 others similarly situated,

21 Plaintiff,

22 vs.

23 MANDALAY CORPORATION, dba
24 Mandalay Bay Resort & Casino; and DOES 1
25 through 50, inclusive,

26 Defendants.

Case No.: 2:14-cv-02158-APG-VCF

**ORDER GRANTING PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

27 TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

28 The Application for Preliminary Approval of a Class Action Settlement came before this
Court, the Honorable Andrew Gordon presiding, on May 6, 2015. This Court, having
considered the papers submitted in support of the application of the parties, HEREBY ORDERS
THE FOLLOWING:

1. This Court grants preliminary approval of the settlement based upon the terms set forth in the Joint Stipulation of Settlement and Release between Plaintiff and

1 Defendant ("Stipulation of Settlement") filed herewith. The settlement appears to
2 be fair, adequate and reasonable to the Class.

3 2. The Settlement falls within the range of reasonableness and appears to be
4 presumptively valid, subject only to any objections that may be raised at the final
5 fairness hearing and final approval by this Court.

6 3. A final fairness hearing on the question of whether the proposed settlement,
7 attorneys' fees to Class Counsel, and the Class Representative Enhancement
8 Award should be finally approved as fair, reasonable and adequate as to the
9 members of the Class is scheduled in accordance with the schedule set forth
10 below.

11 4. This Court approves, as to form and content, the Notice of Pendency of Class
12 Action, Proposed Class Action Settlement, and Hearing Date for Court Approval
13 ("Notice of Pendency of Class Action"), in substantially the form attached to the
14 Stipulation of Settlement as Exhibit A, and the Exclusion Form, in substantially
15 the form attached thereto as Exhibit B. This Court approves the procedure for
16 Class Members to participate in, to opt out of and to object to, the settlement as set
17 forth in the Notice of Pendency of Class Action.

18 5. This Court directs the mailing of the Notice of Pendency of Class Action and the
19 Exclusion Form by first class mail to the Class Members in accordance with the
20 schedule set forth below. This Court finds the dates selected for the mailing and
21 distribution of the Notice and the Exclusion Form, as set forth in the schedule,
22 meet the requirements of due process and provide the best notice practicable under
23 the circumstances and shall constitute due and sufficient notice to all persons
24 entitled thereto.

25 6. It is ordered that the Settlement Class (as defined in the Stipulation of Settlement)
26 is preliminarily certified for settlement purposes only.
27
28


- 1 7. This Court confirms Plaintiff Judith Smith as Class Representative and Thierman
2 Buck, LLP as Class Counsel.
- 3 8. Because of its small size, the Court confirms that Mandalay Corp. as
4 administrators for the class.
- 5 9. To facilitate administration of the settlement pending final approval, this Court
6 hereby enjoins Plaintiffs and all Class Members from filing or prosecuting any
7 claims, suits or administrative proceedings (including filing claims with the
8 Nevada Office of the Labor Commissioner and the U.S. Department of Labor)
9 regarding claims released by the settlement unless and until such Class Members
10 have filed valid Requests for Exclusion with the Claims Administrator and the
11 time for filing exclusions with the Claims Administrator has elapsed.
- 12 10. This Court orders the following **schedule** for further proceedings:

14 a.	Deadline for Defendant to Submit Class Member Information to Claims Administrator	<u>May 18</u> , 2015 [10 calendar days after Order granting Preliminary Approval]
15 b.	Deadline for Claims Administrator to Mail the Notice and the Exclusion Form to Class Members	<u>May 22</u> , 2015 [15 calendar days after Order granting Preliminary Approval]
16 c.	Deadline for Class Members to Postmark Exclusion Forms	<u>June 22</u> , 2015 [30 calendar days after mailing of the Notice and Exclusion Form to Class Members]
17 d.	Deadline for Receipt by Court and Counsel of any Objections to Settlement	<u>June 22</u> , 2015 [30 calendar days after mailing of the Notice and Exclusion Form to Class Members]
18 e.	Deadline for Class Counsel to file Motion for Final Approval of Settlement, Attorneys' Fees, Costs, and Enhancement Award	<u>July 8</u> , 2015 [15 calendar days before Final Approval Hearing]
19 f.	Deadline for Class Counsel to File Declaration from Claims Administrator of Due Diligence and Proof of Mailing	<u>July 8</u> , 2015 [15 calendar days before Final Approval Hearing]
20 g.	Final Fairness Hearing and Final Approval	<u>July 22</u> , 2015

h.	Deadline for Defendant to deposit the Net Settlement Amount into an escrow account set up by the Claims Administrator	5 days after the Final Fairness and Final Approval hearing
i.	Deadline for Claims Administrator to mail the Settlement Awards and the Enhancement Awards, and to wire transfer the Attorneys' Fees and Costs (if Settlement is Effective)	<u>August 12</u> , 2015 [21 calendar days after Effective Date]
j.	Claims Administrator to File Proof of Payment of Settlement Awards, Enhancement Awards, Attorneys' Fees and Costs (if Settlement is Effective)	<u>October 22</u> , 2015 [90 calendar days after Effective Date]

IT IS SO ORDERED.

Dated: May 6, 2015



Honorable Andrew P. Gordon
Judge of the United States District Court

4823-5088-8738, v. 1